



## DEPARTMENT OF HEALTH & HUMAN SERVICES

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### ADMINISTRATION FOR CHILDREN AND FAMILIES

Mary E. Switzer Building  
330 C ST, S.W.  
Washington, D.C. 20201

Case No: 18-F-0029  
Civil Action 18-cv-0248

December 20, 2018

Ms. Katie O'Connor  
Legal Counsel  
Campaign for Accountability  
611 Pennsylvania Avenue, SE, #337  
Washington, D.C. 20003

Dear Ms. O'Connor:

This is the fifth interim response of the Administration for Children and Families to Ms. Katie O'Connor's October 27, 2017, Freedom of Information Act (FOIA) request for records related to services for pregnant unaccompanied immigrant minors. Specifically, Ms. O'Connor sought the following items:

1. All records related to Office of Refugee Resettlement ("ORR") policy regarding services for pregnant unaccompanied immigrant minors in federal custody and/or housed at ORR grantee shelters. This request includes memoranda, directives, policy statements, policy interpretations, policy guidance, talking points, and other similar documents reflecting ORR policy.
2. All records related to ORR Director Scott Lloyd's visits to ORR grantee shelters that house unaccompanied immigrant minors. This request includes calendar entries, travel and accommodation requests and approvals, itineraries, briefing memoranda, and meeting notes.
3. All communications, meeting notices, meeting agendas, informational materials, talking points, or other documents received by representatives of ORR from, sent by representatives of ORR to, or exchanged between representatives of ORR and representatives of the Susan B. Anthony List, Concerned Women for America, the Heritage Foundation, the Center for Family and Human Rights ("C-Fam"), National Right to Life, Alliance Defending Freedom, Legal Works Apostolate, or the Knights of Columbus regarding services for pregnant unaccompanied immigrant minors in federal custody and/or housed at ORR grantee shelters. This request includes communications to or from anyone using email addresses from the following domains:
  - a. @sba-list.org
  - b. @cwfa.org
  - c. @heritage.org
  - d. @c-fam.org
  - e. @nrlc.org
  - f. @adflegal.org
  - g. @legalworks.com
  - h. @kofc.org
4. All communications, meeting notices, meeting agendas, informational materials, talking points, or other documents received by representatives of ORR from, sent by representatives of ORR to, or exchanged between representatives of ORR and representatives of the White House regarding

services for pregnant unaccompanied immigrant minors in federal custody and/or housed at ORR grantee shelters.

5. All communications, meeting notices, meeting agendas, informational materials, talking points, or other documents received by representatives of ORR from, sent by representatives of ORR to, or exchanged between representatives of ORR and members and staff of the U.S. Congress regarding services for pregnant unaccompanied immigrant minors in federal custody and/or housed at ORR grantee shelters.

Your request was sent to the Office of Refugee Resettlement (ORR) and the Office of the Chief Information Officer for a search for responsive records. Please find enclosed 48 pages of responsive records responsive in part to Items 1, 4, and 5 above. Four-hundred and seventy-eight pages are being sent to other HHS components and other agencies for consultation.

Some of the information on the enclosed pages has been withheld under the FOIA exemptions (b)(5) and (b)(6).

The FOIA exemption (b)(5) protects inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. The exemption protects agency deliberations, both internal and with agency contractors and consultants, attorney-client privileged records and attorney work product. In this case, the withheld information includes pre-decisional discussions within the agency and between agency staff and contractors about management of ORR programs and/or individual children and sensitive communications between agency staff seeking legal advice and counsel on policy and other matters.

The FOIA exemption (b)(6) permits the withholding of records which, if released, would constitute a clearly unwarranted invasion of personal privacy. In this case, the withheld information consists of the names, identities, email addresses, phone number, and/or other private information of private individuals and the cell phone numbers of federal employees. Public disclosure of this information would constitute an invasion of privacy of those individuals whose identifying information was disclosed. In withholding the information, the individual's privacy interest was balanced against any public interest in disclosure. In each instance where information was withheld, it was determined that the individual's privacy interests outweighed any public interest in disclosure of the withheld information. Disclosure of the withheld information would invade the privacy of the subject individuals but would reveal nothing about the operations or activities of the government.

Sincerely yours,



Celeste Smith

Acting Director  
Office of Communications  
Freedom of Information Office  
Administration for Children and Families  
Department of Health and Human Services